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First Region (ROTC)

IG NEWSLETTER



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MOAA SURVEYING TRICARE STANDARD ACCESS



The Military Officers Association of America (formerly The Retired Officers Association) is conducting a survey to determine which areas of the country have the most severe problems in gaining access to treatment under Tricare Standard (not Tricare for Life). MOAA wants to present specifics to lawmakers and DoD officials for correction. The association has advised that it is seeking information about how difficult it is to find Tricare providers, and not information about problems with specific providers or individual claims issues. In addition, conditions reported should have occurred within the last 12 months. The survey is open to anybody interested in reporting Tricare Standard access problems. Visit www.moaa.org/Legislative/TRICARESurvey2003/.

Army Tightens Tattoo Regs



Army Regulation 670-1 now forbids tattoos or brands that can be seen when wearing the Army green Class A uniform with slacks or trousers. This is a change from the previous policy, which prohibited tattoos on the face, neck or head, but not on the hands. Recruits who enlisted prior to July 2, 2002, may keep hand tattoos, except that tattoos on any part of the body that are extremist, indecent, sexist or racist are barred.

Congress Nixes Abayas

A measure in the fiscal 2003 defense authorization act prohibits commanders or others in positions of military authority to "require or encourage" any U.S. service member "to wear the abaya garment or any part of the abaya garment while the member is in the Kingdom of Saudi Arabia." Further, the act requires commanders to give oral and written instructions to all service members within 48 hours of their arrival in Saudi Arabia, to include reading the full text of the provision. This ends policies that began in the early '90s when servicewomen stationed in Saudi Arabia were first ordered to wear the Muslim religious garb off base, and later were "highly encouraged" to wear the black head-to-toe robe. The provision became effective when the President signed the bill into law this month.



Some Emergency Leaves Becoming Freebies

Congress has directed the Defense Department to establish procedures authorizing service members with personal emergencies or hardships up to 14 days of emergency leave if they use up their regular leave days. Members may get the free emergency leave only once and only to keep from entering into unearned- or excess-leave status. Each service is expected to put procedures in place sometime next year.



NOTE: THIS WILL BE NEWSLETTER DUE TO PER- GION IG OFFICE. MAJ AND SFC MOORE WILL PCS THERE ARE NO SCHEDULED IG OFFICE BECAUSE OF THE RESTRUCTURING/REORGANIZATION OF THE FIRST RE- GION. IT HAS BEEN A PLEASURE SERVING THE FIRST REGION ROTC COMMUNITY AND WE WISH YOU CONTINUED SUCCESS.



THE LAST PUBLICATION OF THE IG SONNEL LOSSES IN THE FIRST RE- HAINS WILL RETIRE IN JUNE 2003 TO KOREA APRIL 2003. CURRENTLY PERSONNEL REPLACEMENTS FOR THE



LEGAL CORNER: EEO COMPLAINANT CONVICTED OF PERJURY



Timely advice: Federal employees must be aware that sworn statements and testimony under oath have to be truthful or they could face possible criminal charges for perjury. A recent federal court ruling proves that such alleged untruthfulness carries a real risk.

A federal employee recently was convicted by a federal jury of committing perjury during the processing of her EEO complaint. The jury found that the employee made (among other allegations) intentional false claims against her supervisor in her complaint of discrimination against the agency. Criminal No. 1:02-313 (Dist. Ct. SC). The employee's EEO case went to hearing before an EEOC administrative judge. The employee lost the EEOC hearing, and she then appealed the AJ's decision to the EEOC's Office of Federal Operations. On November 5, 2002, the OFO issued a decision sustaining the AJ's ruling. EEOC Appeal No. 01A20227 (November 5, 2002). Although this appears to be the first time that a federal civil service complainant was convicted of perjury during the processing of his/her complaint, in 1999 the EEOC issued regulations intended to curb abuse of the EEOC process. 29 C.F.R. ? 1614.107(a)(9) allows for the dismissal of complaints when "the complaint is part of a clear pattern of misuse of the EEO process for a purpose other than the prevention and elimination of employment discrimination."

The OFO's decision in the employee's case made no mention of perjury or intentional false statements on the part of the employee during the processing of her complaint. Neither did the decision indicate that the employee's intention in filing the complaint was "other than the prevention and elimination of employment discrimination."

LEGAL CORNER

(continued)



As the OFO's decision does not indicate wrongdoing on the part of the employee and it does not indicate that the OFO had any role in her conviction, federal civil service complainants having a reasonable basis for their claims should not be deterred from pursuing their complaints of unlawful discrimination through the EEOC's administrative system. Furthermore, to the extent that criminal conviction is a potential consequence of making material false statements, complainants intentionally making false claims and alleged discriminating officials who state false reasons for their actions should be wary of signing misleading affidavits or giving false testimony while under oath. This includes testimony in all administrative cases, including complaints of discrimination. The employee in this case is appealing the adverse EEOC decision and her perjury conviction.

COMBAT/HAZARDOUS DUTY EARNS TAX RELIEF

Depending upon rank, eligible service members can exclude from federal income tax all or some of their active-duty pay and certain other pays earned in any month they served in a designated combat zone or a qualified hazardous duty area. According to the Internal Revenue Service's Armed Forces' Tax Guide for 2002, combat zones are Afghanistan, specified parts of the Kosovo area and the Arabian Gulf region. Hazardous duty areas are Bosnia-Herzegovina, the former Yugoslav Republic of Macedonia and Croatia. Some members providing direct support for military operations in either may also be eligible. New in that category for 2002 are members who served in Djibouti, Africa, after July 1, 2002; and those assigned to the Philippines after Jan. 9, 2002. For the Philippines exclusion, members must provide orders that specify their duty was "in direct support of Operation Enduring Freedom - Philippines."